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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11 DEON CARTER, an individual, on behalf of
12 himself and all others similarly situated,

13 Plaintiff,

14 v.

15 C&S WHOLESALE GROCERS INC., a
16 Vermont Corporation; TRACY LOGISTICS
17 LLC DBA STOCKTON LOGISTICS LLC, a
18 Delaware Limited Liability Company;; and
DOES 1 TO 50,

Defendants.

CASE NO. 2:22-cv-02165-KJM-AC

**ORDER GRANTING STIPULATION TO
CONTINUE DEFENDANTS' RESPONSIVE
PLEADING DEADLINE PENDING
MOTION TO COMPEL INDIVIDUAL
ARBITRATION**

ORDER

Having reviewed and considered the Parties' Stipulation To Continue Defendants' Responsive Pleading Deadline Pending Motion To Compel Individual Arbitration (the "Stipulation"), and good cause appearing for the relief requested therein, the Stipulation is hereby **GRANTED** as follows, using the same defined terms as defined and used in the Stipulation:

1. Defendants shall file their Motion to Compel not later than 30 days after the filing date of this Order;
2. In the event the Motion to Compel is denied, Defendants' deadline to file their Motion to Dismiss or otherwise file a response to the TAC is extended to 30 days after the filing date of this Court's Order denying the Motion to Compel, if any; and
3. By entering into this Stipulation, the Parties do not waive and expressly reserve all claims, defenses, and challenges in this action, including, without limitation, as to arbitration of any putative class member's individual claims and any motion(s) pursuant to Fed. R. Civ. P. 12 as to Plaintiff's TAC and any subsequent amended pleading and/or the claims asserted therein.

IT IS SO ORDERED.

Dated: May 11, 2023.


CHIEF UNITED STATES DISTRICT JUDGE